

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**In re Cablevision Consumer Litigation**

This Document Relates To:

All Actions

Case No. 10-cv-04992(JS)(AKT)

ECF Case

**NOTICE OF MOTION TO STRIKE TESTIMONY AND REPORT OF  
ELIZABETH LOSINKSI AND TO PRECLUDE DEFENDANTS FROM RELYING  
ON UNTIMELY DISCOVERY**

**PLEASE TAKE NOTICE** that Plaintiffs will and hereby do move this Court, the Honorable Joanna Seybert, United States District Judge, in Courtroom 1030, United States Courthouse, 100 Federal Plaza, Central Islip NY 11722, on a date and time designated by the Court, for an order pursuant to Rules 26(a), 26(c), and 37(c) of the Federal Rules of Civil Procedure and Rules 401, 402, 403 and 702 that: (1) Expert Report Of Elizabeth Losinski submitted on behalf of Defendants, dated July 18, 2014, including the exhibits thereto, be stricken and defendants be precluded from introducing it as evidence; (2) Defendants be precluded from presenting Elizabeth Losinski as a fact or expert witness in support of their defenses; and (3) Defendants be precluded from relying on discovery produced on July 18, 2014, in the form of documents Bates-stamped CSC00354404-354541.

In support of this motion, Plaintiffs' submit Plaintiffs' Memorandum of Law In Support Of Motion To Strike Testimony and Report Of Elizabeth Losinski and To Preclude Defendants From Relying On Untimely Discovery; Declaration of Carol S. Shahmoon in Support of Motion To Strike Testimony and Report Of Elizabeth Losinski

and To Preclude Defendants From Relying On Untimely Discovery and exhibits annexed thereto, and a Proposed Order.

Currently the discovery cut-off for completion of expert depositions is on or about Sept. 30, 2014. The parties are attempting to schedule the depositions of Plaintiffs' experts the week of Sept. 15, 2014 and Defendants' experts the week of Sept. 22, 2014. Plaintiffs respectfully seek to stay the deposition of Ms. Losinski, pending the outcome of this motion.

**PLEASE TAKE FURTHER NOTICE THAT** Plaintiffs respectfully request oral argument.

Dated: August 8, 2014

Respectfully submitted,

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*Co-Lead Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Carol S. Shahmoon, certify that a true and correct copy of Plaintiffs' Notice of Motion to Strike Testimony And Report Of Elizabeth Losinski And To Preclude Defendants From Relying On Untimely Discovery has been served via First Class U.S. Mail and via ECF to the below-listed attorney for Defendants on August 8, 2014 in accordance with the requirements of the Federal Rules of Civil Procedure:

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/s/ Carol S. Shahmoon  
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